

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

RECUPEROS, LLC

PLAINTIFF,

VS.

AMERICAN FOOD STORES, LLC

DEFENDANT.

CASE No. 04-229-S-BLW

**NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION
AND REQUIREMENT FOR CONSENT**

In accordance with United States District Court for the District of Idaho General Order #159, and Fed.R.Civ.P. 73, you are notified that a United States Magistrate Judge of this district court is available to conduct any or all proceedings in this case, including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a United States Magistrate Judge is available only if all parties file a written consent, a copy of which is included in this notice.

You may without adverse substantive consequences withhold your consent. No judge shall be informed of a party's response to the clerk's notification, unless all parties have consented to the referral of the matter to a United States Magistrate Judge. The decision of the parties shall be communicated to the Clerk of Court.

An appeal from a judgment entered by a United States Magistrate Judge will be directly to the United States Circuit Court of Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of this district. 28 U.S.C. § 636(c); Fed.R.Civ.P. 73.

If you wish to consent to this matter being handled by a United States Magistrate Judge, please sign this form and return it to the address at the bottom of this form. If all parties do not consent to the exercise of jurisdiction by a United States Magistrate Judge prior to the Rule 16.1 Scheduling Conference, this matter will not be reassigned.

**NOTE: All consents and requests for reassignment should be sent to:
Jeanie Loera, Deputy Clerk, U.S. District Court, 550 West Fort Street, Boise, ID 83724.**

**CAMERON S. BURKE, CLERK OF COURT
DARLENE HAND**

By Darlene Hand, Deputy Clerk

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signature

Date

J

United States District Court
for the
District of Idaho
May 14, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:04-cv-00229

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

Michael O Roe, Esq. 1-208-385-5384
MOFFATT THOMAS BARRETT ROCK & FIELDS
PO Box 829
Boise, ID 83701

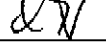
____ Chief Judge B. Lynn Winmill
____ Judge Edward J. Lodge
____ Chief Magistrate Judge Larry M. Boyle
____ Magistrate Judge Mikel H. Williams

Visiting Judges:

____ Judge David O. Carter
____ Judge John C. Coughenour
____ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 5-14-04

BY: 
(Deputy Clerk)